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INTELLECTUAL PROPERTY LAW

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Message: Re: Application #10/896,853 - 101826853  
 Filing Date: April 16, 2004  
 First Named: Thomas P. Foran  
 Group Art Unit: 2859  
 Attorney Docket Number: EMP-133US

Please deliver this communication to  
 Examiner Richard A. Smith, Group Art Unit  
 2859. Thank you.

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number

10/826,853

Filing Date

April 16, 2004

First Named Inventor

Thomas P. Foras

Art Unit

2859

Examiner Name

Richard A. Smith

Attorney Docket Number

EMP-133US

## ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Jansson, Shupe, Manger & Astaramian, Ltd.		
Signature			
Printed name	Richard W. White		
Date	February 8, 2006	Reg. No.	50,601

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Date	February 8, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 2/14 \* RCVD AT 2/8/2006 2:59:11 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6729 \* DNIS:2738300 \* CSID:262 632 2257 \* DURATION (mm:ss):03:42

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<b>AMENDMENT TRANSMITTAL LETTER (Small Entity)</b> Applicant(s): Thomas P. Foran				Docket No. EMP-133US	
Application No. 10/826,853	Filing Date April 16, 2004	Examiner Richard A. Smith	Customer No. 24314	Group Art Unit 2859	Confirmation No. 2086
Invention: OVERMOLDED VIAL FOR USE WITH A LEVEL <div style="text-align: right; margin-top: -10px;"> <b>RECEIVED</b>  <b>CENTRAL FAX CENTER</b>  <b>FEB 08 2006</b> </div>					
<u>COMMISSIONER FOR PATENTS:</u>					
<p>Transmitted herewith is an amendment in the above-identified application.</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>The fee has been calculated and is transmitted as shown below.</p>					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	18 -	21 -	0	x \$25.00	\$0.00
INDEP. CLAIMS	3 -	4 -	0	x \$100.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<p><input checked="" type="checkbox"/> No additional fee is required for amendment.</p> <p><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____</p> <p><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 10-0270</p> <p><input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.</p> <p><input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p>					
 <i>Richard W. White</i> <small>Signature</small> Richard W. White, Reg. No. 50,601 Jansson, Shupe, Munger & Antaramian, Ltd. 245 Main Street Racine, WI 53403					
<p>Dated: February 8, 2006</p> <p><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b></p> <p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:</p> <p>Judith Marsh          Name: <i>Judith Marsh</i>          Signature: <i>Judith Marsh</i> 2/8/06          Date</p>					
CC:  <small>P11SMALL/REV09</small>					

FEB 08 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: )  
 Thomas P. Foran )  
 Serial No. 10/826,853 ) Group Art Unit: 2859  
 Filed: April 16, 2004 ) Examiner: Richard A. Smith  
 Title: OVERMOLDED VIAL )  
 FOR USE WITH A LEVEL )

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

INTRODUCTORY COMMENTS

In response to the Office Action mailed on November 17, 2005, please consider the remarks that follow:

Amendment to the Claims is reflected in the listing of claims beginning on page 2 of this paper.

Remarks begin on page 6 of this paper.

CERTIFICATE OF FACSIMILE TRANSMISSION

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Judith Marsh

Name

Signature

3/8/06

Date